P.F. 198-92

G. R. S. IX-5]

*Previous references.*

Reg. -92

192

( L. R. )

File No. 187-91

Serial Nos.

*Later references.*

# GENERAL AND REVENUE SECRETARIAT

*Serial Nos.* 1-5. 8

In Part B for Nov. and Dec. 1892

SUBJECT.

Appeal of Ramanna residing at Mavan praying for the restoration of his land which has been resumed by Govt.

To The Deputy Commissioner, Mavan District.

No. 6267 Dt. 3.11.1892

P.F. 198-92

Directing that petitioner Ramanna may be left in possession of the waste ground lying between Police Station and the Canarese School at Mavan.

WD 2233—GPB—20,000—14-6-20

Revenue Appeal No. 205 of

1891-92

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Precis of papers connected with the petition of Ramanna residing in the town of Hassan.

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Petitioner claims the piece of land situated between the Kannada School and the Police Station at Hassan to be his ancestral property. It has been lying waste for many years. In 1889, the Amildar proposed to the Deputy Commissioner to build on the ground a "Chavadi" for the Shedulas and the Sambhog, it being sadly

from the time
they vacated the building
where the Town Police Station
is now located.

2. Hearing of this
proposal, Petitioner, on
the 31st March 1890, presented
a petition to the Municipal
Vice-President, representing
that the site on which
a "Chavadi" was proposed
to be built was his
ancestral property and
formed the back-yard
of the house occupied
by the family for many
generations, and therefore
the site might not
be taken by Govt for
building a Chavadi
but be allowed to him

to be used as back-yard.
In the local enquiries
held by the Police
~~Daffedar~~ Daffedar, as per order
of the Vice-President,
Daroga Subhana,
Krishnaprasad the personal
Amlah and some other
old gentlemen of the
town executed a
Mahazis, on the 10th
April 1870, to the
effect that they knew
well that the site in
question had been long
in the possession of Petitioner's
father and grandfather
as the backyard of their
house and there they had
built a bathroom, sunk
a well and also had

door opening to the street, that it was lying waste and that Petitioner had every claim to it. Upon this the Amildar (who was also the Municipal Vice-President) issued to Petitioner endorsement No. 3/ of 12/4/31 to the effect that as it appeared from the Mahazir that the site was really in the possession of Petitioner's ancestors for a long time, it could not be taken gratis by Govt and that when required it would be taken on payment of its reasonable value, and that till then, Petitioner might have its undisputed possession

3. When under the authority of this order Petitioner's brother, Ranjajha began to raise compound walls there, the Municipal Overseer raised objections on the ground that a proposal for building a Chavadi on the site was under consideration. On 19. 4. 90, Ranjajha complained to the Deputy Commissioner of the Overseer obstructing him when he began to re-erect the compound walls of the backyard of his house. The Amildar submitted his report* as called for

* Rv. 766 of 10. 9. 90

by the Dy. Commissioner's Order

No. 69 dated 21st April 23

to the effect that from

the Maliars and other

~~other~~ records, the site in

question appeared to be

Petitioners ancestral property

and so he might be allowed

to build a house there.

4. The Dy Commr

issued to the aforesaid

Order No 512 of 1923

to the effect that it

had come to his notice

that the right in question

was lying waste for a

long time, it had also

been in the possession of

the Municipal Department

that from the nature

of his petition dated 31.3.90
Petitioner's claims seemed
suspicious; that had he
really any claims to the
site, he would not have
neglected it and kept
quiet so long, while the
question of constructing a
Chavadi on the very site
had been under consider
since 1884; that Petitioner's
statement and the —
Mahazirs were not consist-
ent with each other
and therefore the Amildars
endorsement based on
this vague Mahazir alone
was evidently groundless;
that Petitioner must be
called upon to shew
cause why the endorsement

No. 31 dt 12. 4. 90

above Request should
not be cancelled; and
that the persons whose
signatures the Arbitrators
have must be severally
examined if they would
be willing to swear to the
truth of the statement in
the Arbitrators.

5. On 18th February
1879, Petitioner deposed
before the Arbitrators as follows:—
the land in question was
his ancestral property; that his
grandfather constructed
a bath-room, and a
well and used it as the
backyard of his house
with a door-way leading
to the street; his father
too enjoyed the same, but
while he was bedridden
with sickness for 6 years the
adjoining tenants the brothers

were young boys, the compound walls and the bath-room gradually fell down for want of proper repairs; then the Municipal authorities used the ground that was lying waste as a cattle-pound for a time; he had heard from his mother that she often protested against using the site as cattle-pound and that the Municipal Authorities replied that the place would be vacated after a regular pound ~~he~~ was constructed; Rajaya Subbanna and other old gentlemen of the town would attest the truth of his statement if examined

6. These gentlemen who are also the persons that executed the Grants above referred to were severally examined by the Amiddas and their statements* coincide with that of the Petitioners in the main points.

*Interrogatories H/P 24 & 25 & 32.

7. The Amiddas submitted his Reports Nos. 273 and 433 dated respectively 24th May and 13th June 1924 that Petitioners claims to the site in question were true and beyond any doubt.

8. The Office by Commr inspected the spot and passed Order No. 112 of the 15th of January 1925 that as the site was required by Govt Petitioners compliant

Revenue Appeal No. 205
of 1891-92.

Appellant:— Ramanna
of Hassan.

Memo

In 1887 the Amildar of Hassan proposed to the Dy. Commissioner to build a "Chavadi" for the use of the Shedar and the Shanbhog of the place, on the plot of ground lying waste between the Police Station and the Kanada School at Hassan. While this was under consideration, in 1890, the Appellant claimed this land to be his ancestral property and to have once formed the backyard of his house, and the Amildar after a local enquiry

Sent for approval of Dy Com'r who has been requested not to interfere with Petitioner's possession pending enquiry
[illegible]

[illegible] the ground be [illegible] assigned by the Dy Com'r if ungranted

order

As there is evidence of respectable men that the ground in dispute belongs to Petitioner, the Dy Com'r will be requested not to interfere with his possession. If it is required for use, it must be acquired under the Land Acquisition Act.

[illegible]
22/10/92

recognised his claim to the
ground. But the Municipal
Orders rejecting his claim
contrary to the, ~~Petitioner~~ Appellant
and his Counsel, represented
the matter to the Guardian
as well as to the Commissioners,
and the former after examining
~~Appellant~~ and his witnesses
~~Respondents~~, reported to the
latter that the Appellant's
claims to the ground in
question ~~was~~ were beyond
any doubt. The Asst. Com.
Commr after inspecting
the spot, passed Order No.
1127 dated 8th January 52
that as Govt required the
land Appellant's complaint
could not be accepted.

The Appellant ~~then~~ filed
petition contending all the following:—

(a) That, Respondent
old gentleman of the town
executed in 1871, a

Maharaja upholding the Appellants claim.

(b) The persons that signed the Maharaja supported the claim again when they were duly examined by the Amildar under the orders of the Dy Collr.

(c) That the resumption of the site would cause them inconvenience and that if it should be resumed he may be given reasonable compensation.

The site in dispute is enclosed by red with lines in the sketch map produced.

The Amildar after examining Panamal Amildar Krishnappa & others reported that the site in question undoubtedly belonged to the Petitioner.

The Dy Collr in his order states that the Petitioners objection is not to be considered as the site is required for Govt.

It is not stated whether
the site would be only
acquired after giving Petitioner
reasonable Compensation

17/8/92

16

(General Serial No. 32.)

189

No. 2395

Name of Petitioner. Kannaraz

Village. Hassan

Taluk. Do

District. Do

Date of Arzi. Not given, but it was about 25th March

Date of Receipt. 28.3.92

Date of Disposal.

No. of Enclosures. One

(1) Petition - Urdu & Stamped

(2) Copy of Order - Sessions

(3) Appeal in time.

(4) Rule I cl (4) Mun. Act Rules submitted to Municipal Council

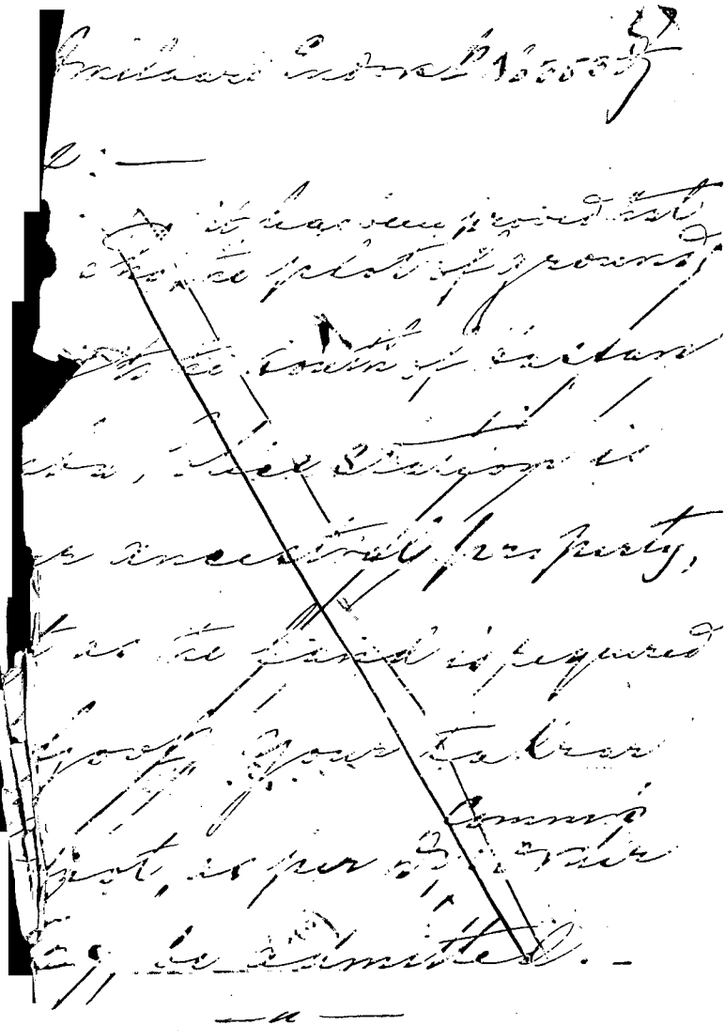
26/4/92

Call for Mun. Proc. with a precis

26/5/92

ABSTRACT.

Appeal against Commr's Order No. 2 ... was communicated in Municipal Notice ... 92, and prays ... plot of ground ... the boundary of ... between ... by Kannara School ... Station and which ... been taken, because ... up to the ...



—a—

the record of inquiry, which
made clear that the site
in question is yours, had
been submitted to the District
Officer Order No. 1127 has
been issued to the effect
that your dispute cannot
be taken into consideration
as the site is required for
Govt. purposes.

4/92

To

K. Sheshadri Iyer Esquire B.A. B.L

Dewan to His Highness the

Maha Rajah of Mysore

(1)

4392

28-3-92

Most Respected Sir,

The petitioner most respectfully begs your Honor's leave to appeal against the Hassan District Deputy Commissioner's order No. 1127 (as communicated to the petitioner in Amildar's endorsement No. 353 dated 1.2.92) passed in connection with a plot of land situated between the Hassan Government Canarese School on one side and the police station on the other.

The plot of ground in question is the back-yard of a house, the petitioner's ancestral property. During the last rainy season two of its compound walls and the bath room fell down closing up the well which was there. Owing to want of money the compound walls were not put up. Four or five months after when the petitioner began restoring the walls the Municipal overseer pulled down as much of the walls as were raised and prevented the petitioner from continuing his work on the ground that the plot belonged to the government. Thereupon the petitioner applied

to

the Amildar who was then the Municipal
Presidency of the Municipality, in the
enquiry that ensued the Amildar exam-
ined Mr. H. Krishnayya, the pensioned
Amildar and several other respectable
inhabitants of Hiriyur who deposed
that the plot in question belonged to
the petitioner and passed order No 31
stating that the said plot belonged
to the petitioner, that he may put up
the compound walls and that if it
should be taken to the use of the govern-
ment the petitioner would be awarded
a reasonable compensation.

According by the petitioner began build-
ing the walls when again the municipal
Overseer obstructed him on the ground
that the Amildar had no jurisdiction
to pass the above order. He therefore
submitted two petitions one to the
Deputy Commissioner and the other
to the Vice President. The Deputy
Commissioner came to the spot when
the petitioner set forth his claims which
were supported by the Amildar and
other inhabitants then present. How-
ever the municipal overseer recom-
mended resumption by government
on the ground that if a latrine be
erected on the spot it would be
useful to the students of the Canarese
School and also to the police sta-
tion. And the Deputy Commissioner,

without considering the facts that the plot in question is the petitioner's ancestral property, that its resumption by the government would cause him very great inconvenience and that if it should be resumed a reasonable compensation ought to be awarded to the petitioner, has passed the above order depriving the petitioner of his back-yard and thereby causing him any amount of inconvenience. That the plot in question belongs to the petitioner has been beyond doubt proved by the Mahazir of the people and also by the opinion of the Amildar. The order of the Deputy Commissioner is herewith enclosed for perusal. The petitioner therefore humbly prays that the records of the case may be called for and referred to, that a hearing may be granted and that the land in question may be restored to him.

Humbly begging to remain
Most Respected Sir,
Your honor's most obedient and
humble Servant.

O Devappa

21

(4)

R.
No 29 Extract is issued

MYSORE DEWAN'S OFFICE, 10-5

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

From the same No. 49 dt 7/1892.

The accompanying Petition No. 4392
dated 25th March/92 received at the
Dewan's Office from Ramanna
residing in Hassan,
praying for restoration of
his land in Hassan, which
has been resumed by
Government,

is forwarded, together with its nil
enclosures, to the Deputy Commr
Hassan Distt for submission
of Proceedings with a report
thereof

By Order,

Chief Secretary.

BANGALORE,
10 May 1892

22 N

(5a)

(General Serial No. 30.)

OFFICE OF THE DEWAN OF MYSORE
2995
10 JUN. 92
P. 14

C 1892

*From*

The Deputy Commissioner
Hassan District

*To*

*The Chief Secretary to the Dewan of Mysore.*

*Dated* 7th
*Despatched* 8 } June 1892
*Received*

**Enclosures No.** 1 petition & file of Vernacular papers.

No. 149
No. S.

*In reply to* F. Memo No 20 Dated 10th May 1892.

SUBJECT.

Submitting report on the petition of Ramanna of Hassan asking a piece of land belonging to him &c

*References* (to be entered only in the Dewan's Office).

To the case No 6267
Pt. 98-2 of

Peter Branch
Mysore 1076

(5)

No 149
5.

Dy Commissioners Office Hassan
Dated Camp Belur 7th June 92

From,

The Dy Commissioner,
Hassan District.

To

The Chief Secretary to the
Government of Mysore
Bangalore

Sir,

With reference to your
Jeruj ad memo No 29 Dated 10th
May 1892, Calling for submission
of Proceedings &c in connection
with a piece of land belonging
to Ramanna of Hassan which has
been resumed by Government &c,
I have the honor to submit here
-with entire records with a press

thereof.

Ramanna's petition Re-
-gistered No 4392 received with
the Inquo, is also returned here.
-with with its enclosure.-

I have the honor to be,
Sir,
Your most obedient servant

Sd Thamaiah
Hg Dy Commissioner
Hassan District

Dar.

(56)

Memo

The stone Mantapam in the Town of Hajsani where the Town Police Station is now located was formerly used by Thanjavur and Tanjore as "Kacheri Mandi". This building was then occupied by the Town Municipal Board where they held their office. Inconvenience being experienced by that department for want of sufficient room to retain their things viz., the same was given up and the Municipal office was removed to one of the rooms in the building where Government Kannada School is now located. The stone building was then taken possession of by the Town Police Mantapam Thanjavur and Tanjore were deprived of the place which they had long occupied. Their inconvenience for want of a "Mandi" were brought to the notice of the Deputy Commissioner by the then Members of

of Rajpur, who suggested that a new
Channel might be constructed on the
site between the Ramnada School on
one side, and the Police Station on the
other, which was lying in waste, and
as per orders of the Deputy Commissioner
the Municipality submitted for approval
a plan, and an Estimate amounting
to Rs. 862 on 15th August 1887, the matter
was pending disposal

2.— Meanwhile, the petitioner Ramanna
son of Rahmat Sahib Raja, Pattasar
being informed of the above circum-
stances, lodged a Complaint in the
Office of the Vice President, Municipal
Board, Rajpur, representing that the
site in question was his ancestral
property which formed the backyard
of the house, where his ancestors had
their bath room and a well, for their
use; also a door way opened leading
into the street; that the well was

still

still in existence which was gradually filled in, as no body took care of it - the plot being open to public, and there being no other place for a back - yard, he prayed that it would be much inconvenient for him in case the proposed Chavadi being constructed on the site, and that therefore he might be allowed to have the use of the said site by raising compound walls all round and improving the well.

* 1 Daroja Subbanna
2 - do - Nagappa.
3 L. Narumbha.
4 Patel Channegowda
5 Pensioned Shirdar Raghavendrachariya
6. Venkatarama - naiya.
7. Nanjappa.
8 Thammanaiya late Municipal Commissioner. -
9. Shamboyne Thimmappaiya.

Upon the orders of the Shirdar who was then in charge of the office of Vice President, Town Police Duffedar held a local enquiry into the matter and obtained a Mahazar executed on 10th April 1890 by the persons named in the margin to the effect that they knew well that the site in question had long been in the possession and enjoyment of the petitioners grandfather

Kolwal

Kotwal Ramaiya and his (petitioners)
father Subbaiya who used it as
backyard having a well sunk and a
bathroom constructed there; they had
a doorway opened leading into the
street; that the same was since lying
waste, and that the petitioner had
every right to the use of the site in
- dispute.

On receipt of a report from the
Police Inspector together with the Statu-
-tory above referred to, the Munsif
satisfying himself as to the fact of the
case, gave an endorsement to the peti-
-tioner No 31 dated 12th April 1890, in
reply to his petition of 31st March 1890,
stating that the site in question was
the petitioner's ancestral property,
that it would not be taken up by
Government gratis; that when the
Government would require it for
public purposes the same would be
taken on payment of reasonable value

fixed

2

thereof; and that in the meantime the petitioner might have the undis-
-puted possession and enjoyment of the site.

Under the authority of this order issued by the Mudaliar and Vice President, the petitioners brother Nanjappa Commenced work to raise Compound walls. The then Municipal Overseer raised objection to this, and stopped the work on the ground that the proposal of Constructing a Chavadi on the site in dispute had been under Consideration. He also personally reported the matter to the Deputy Commissioner and was directed to submit a detailed report after due enquiry into the matter.—

The Overseer wrote a note to the Mudaliar bringing to notice the

the above circumstances and re-questing to be furnished with such records connected with the Construction of a Chawdi, so that the matter might be reported to the Deputy Commissioner as personally directed.

The Complainant presented a petition to the Deputy Commissioner Dated 19th April 1890, stating that the site in question was his ancestral property that the same had long been in his possession and enjoyment, that when he commenced to raise Compound walls, which had since fallen down he was obstructed by the Municipal Overseer who ordered his men to take away the tools and a copper pot from the Coolies who were working there; and praying that he might be allowed to execute the work and that tools &c might be returned to him.--

The

The Deputy Commissioner, later ordered thereon No 69 of 21st April 1890 directing the Amildar to enquire into the matter, and submit a re-port on the result of enquiry, and that in the meantime the petitioner would not be allowed to execute the work.

The Complainant addressed a petition also to the Amildar on 29th August 1890, bringing to notice the circumstances since occurred and praying that he might be permitted to get the work executed.

The Amildar submitted a re-port No 766 Dated 10th September 1890, in reply to the Dy Commissioner's No 69 of the 1st April 1890 to the effect that from the endorsement produced by the petitioner and from the records available, it appeared that the site in question was the petitioners ancestral property where they had a well, a bath-room

-room and a doorway leading into the street; that the Compound walls fell down since; that the Inahazan occupied by Tamils, people corroborated the circumstances stated above; that a proposal for Constructing a Chavadi on the site in question for the use of Thaikkar and Thanlapure had long been pending disposal; and that orders might be passed allowing the petitioner to have his house Constructed there, so as to avoid nuisance being Committed on the spot. —

With reference to the above, order no 372 of 3rd January 1891 was passed to the thaikkar for warding for information, regards in Connection with the Construction of a Chavadi on the site in dispute, and stating that it had Come to notice that the said site had long been in possession of the Municipal department and their

3

their things were retained there; that from the nature of the Complaint itself the petitioner's claims would seem to be suspicious; that had the petitioner any claims for the site he would not have kept quiet so long as 1896 without interfering with the site alleged to be his own, when the question of Constructing a channel on the very site was long under Consideration since 1887; that from the statements of the Towns people (Expressed in their Inahazur that there had been a well, a bath room, and a door way leading into the street) which differed from what the petitioner had stated in his petition that had only a doorway and nothing else, his right to the site seemed to have been based on no foundation whatever; that the Complainant should be called upon

to

to produce within a fixed time, any written orders &c explaining why should not the indefinite undertenant given by Kunhidan Leccinaga Rao be cancelled, and an inquiry be held to decide the matter; further the Towns people who had signed the Mahazar should be asked whether they were prepared to give their de-positions duly sworn as to what they had stated in the Mahazar.

The above order was Communi-cated to the Complainant and to the men who had signed the Mahazar.

Complainant was examined on 18th February 1891. He deposed that the site in question was his ancestral property had been proved by the Mahazar above referred to; that his grand-father Kotwal Ramaya had a mill sunk, a bath-room constructed, a door way opened leading into

4

The above gentlemen and Kaoba Kiambigne Kinkafambiany were exa-mined before the Amildar, and their statements corresponded with what the Complainant had stated in his deposition with slight modifica-tions and in "phraseology" or wordings.

Forwarding the above depositions the Amildar submitted final reports Nos. 27 and 28, dated respectively 27th May and 13th June 1891, stating that he had satisfied himself as to the claims of the Complainant for the said site which seemed to have been duly proved and that the site had long been in possession and enjoyment of the Complainant and his ancestors.

The H.C. Deputy Commissioner inspected the spot in Company with the Amildar and the Vice President on 16th September 1891, and satisfying himself that the site in question was required for Government purposes

ipned an order no 1127 of the 18th
January 1892, to the Auditor
of Hajoan to the effect that the site
in question being required for
public use the petitioners com-
-plaints could not be accepted.-

Yr obedt servt
Asst Commissioner
Hajoan District

SCN

40.

No. L. 7 -

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
Octr 1892.

Endorsement granted to Ramanna, residing in Hassan
in reply to his Petition Registered No. 4392 dated 28 8 92

---

Petitioner is informed that that the Deputy Commr has been requested not to interfere in the his (Petitioner's) possession of the ground in dis-pute. ~~unless~~ if it is required for a public purpose ~~and~~ as will be acquired under the Land Acquisition Act,—

2 The case is returned.

11/11/92

11/11

"By Order,"

3/11
for Chief Secretary.

Mysore Govt. Central Press, Bangalore.—5-7-92—1000.

Ent issued with endorsement 5/11/92

could not be considered.

9. The appeal is against the above order.

15/8.

into the Street. a jessamine Creeper planted, and a privy pit dug on the site in question; that his father Subbaiya was in the enjoyment of the same and he died some 16 years ago; that during the severe illness of his father for about 6 years when he could not move about and when the petitioner and his brothers were too young to attend to any household affairs, Compound walls and bath room gradually fell down which they were unable to put under repairs from their poverty and distressed Condition; that in Consequence of the above circumstances Municipal authorities occupied the site and retaining some of the crumbling walls used to impound the Cattle, found was therein till a regular Cattle constructed. He further deposed that he could recollect very well

his

his mother saying that she often protested that cattle should be removed from the site; that she was informed by the Municipal authorities the site would be vacated after a Cattle-pound was Constructed; and that the waste to the north and west of the Police Station had for a long time been in his possession and enjoyment; and that the above statements might be proved by the testimony of the old people of the town named below:—

1. Daroja Subbanna aged 70 years.
2. " — Nagappa — 60 — Do
3. Lakshminarappa, late Inspector Gumastah ... 73 — Do
4. Patél Thimmi Gowda — 78 — Do
5. Pensioned Amildar Hafoor Krishnappa ... 69 — Do
6. Venkataramanaiya — 73 — Do
7. Nanjappa ... 66 — Do
8. Thammanaiya late Municipal Sheristadar ... 50 — Do
9. Shanbogue Thimmappaiya — 54 — Do

The

Read

Letter No 1149 Dy: C. June/92

from the Dy: Commr, Hassan Dt,

reporting on the petition of Ka-

mana of Hassan anent a

piece of land belonging to

him, which has been re-

sumed by Govt.

Order thereon,

As there is the evidence

respectable men that the

ground in dispute belongs

Petitioner, the Dy: Commr-

should be requested not to

interfere with his possession.

If it is required by Govt,

must be acquired under

Land Acquisition Act.

Draft

Dy: Commr, Hassan Dt,

the 8th inst.

3.9.

6

L.R. 187-91-4

8/11/92

Chief Secy

2/11

(General Serial No. 30.)

1892.

*From*

*The Chief Secretary*
*to the Dewan of Mysore.*

*To*

The Deputy Commr
Hassan Dist

*Dated*

*Despatched* October

*Received*

Enclosures No.

*General No.* 6267
*Pet'n No.* 198-92
Directing that Sethiamma Lo
-manna may be left in
possession of the waste grou
lying between Police Stati
and the Canarese School
at Hassan

References to be marked.